



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, OCTOBER 27, 2021

Board members present: Richard Conescu, Patrick Dwyer, Ben Niles and Lynn Christensen
(arrived at 7:06 p.m.)

Board members absent: Rod Buckley and Charles Mower (Alternate)

Staff present: Tim Thompson, AICP, Community Development Director

1. Call to Order

Richard Conescu called the meeting to order at 7:01 p.m.

2. Roll Call

Richard Conescu swore in those that intended to testify. Patrick Dwyer read the preamble.

- 3. Innovation Acquisition, LLC (petitioner) and Solon Properties, LLC and Innovation Acquisition, LLC (owners)** – Variance under section 2.02.4.B of the Zoning Ordinance to permit multi-family residential use in the Industrial District. The parcel is located at 1 Innovation Way in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 041-15. Case # ZBA 2021-32. **This item is continued from the August 25, and September 29, 2021 Zoning Board meetings.**

This item was heard simultaneously with agenda item #4.

- 4. Innovation Acquisition, LLC (petitioner) and Solon Properties, LLC and Innovation Acquisition, LLC (owners)** – Variances under section 3.02 of the Zoning Ordinance to permit a density of 90 units whereas a maximum of 12 units is permitted and a side setback of 20ft whereas 50ft is required. The parcel is located at 1 Innovation Way in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 041-15. Case # ZBA 2021-38.

Petitioner was represented by: John Cronin, Cronin & Bisson and Arthur Sullivan, Brady Sullivan Properties

Public Comment was received in a letter read by the petitioner from Governor Chris Sununu.

The Board voted 4-0-0 to grant the 3 variances, with conditions, on a motion made by Lynn Christensen and seconded by Ben Niles.

- 5. Powell Realty of Merrimack (petitioner) and Thomas K Powell (owner)** – Special Exception under Section 2.02.2 (C) of the zoning ordinance to permit residential use in the C-1 (Limited Commercial) District. The parcel is located at 595 Daniel Webster Highway in the C-1 (Limited Commercial), Elderly Housing Overlay and Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 6D-1, Lot 041. Case # ZBA 2021-35.

Petitioner was represented by: Brittany Smith, Tortilla Flat

There was no Public Comment.

The Board voted 4-0-0 to grant the special exception, with conditions, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

- 6. Anheuser-Busch, LLC (petitioner/owner)** - Variance under section 2.02.4 of the zoning ordinance to permit residential use (2 “caretaker” apartment units) in the I-1 (Industrial) District. The parcel is located at 221 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D, Lot 031. Case # ZBA 2021-36.

Petitioner was represented by: Tom Hildreth, McLane Middleton

There was no Public Comment.

The Board voted 4-0-0 to grant the variance, with conditions, on a motion made by Patrick Dwyer and seconded by Ben Niles.

- 7. 260 DWH, LLC (petitioner/owner)** – Variance under section 3.02 of the zoning ordinance to permit construction of a materials storage building 22.3 feet from the rear property line whereas 40 feet is required. The parcel is located at 17 Smith Road in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 09-02 Case # ZBA 2021-37

At the petitioner’s request, the Board voted 4-0-0 to continue this item to the November 17, 2021.

- 8. Discussion/possible action regarding other items of concern**

Discussion only.

- 9. Approval of Minutes – September 29, 2021**

The Board deferred action on the minutes until the November 17 meeting.

- 10. Adjourn**

The Board voted 4-0-0 to adjourn at 7:49 p.m. on a motion made by Lynn Christensen and seconded by Ben Niles.